United Nations A/HRC/29/NGO/33

General Assembly

Distr.: General
4 June 2015

English only

Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-08929 (E)
1508929

Please recycle

International solidarity: a powerful tool for addressing key global challenges

The Associazione Comunità Papa Giovanni XXIII welcomes the report A/HRC/29/35 of Ms Virginia Dandan, the Independent Expert on Human Rights and International Solidarity, submitted at the 29th regular session of the Human Rights Council.

Ms Dandan, discusses how the term "international solidarity" as a principle underpinning international law should be understood in the context of the proposed draft declaration on the rights of peoples and individuals to international solidarity, being aware of the ambiguity that sometimes is attached to international solidarity and of the need to limit its interpretations. She then describes the attributes of international solidarity and gives its exemplifications.

APG23 fully agrees with the conclusions of the Independent Expert who states: "international solidarity will be a powerful tool for addressing key global challenges to human rights and that in the context of the sustainable development goals and the climate agreement to be forged in 2015, international solidarity would ensure a fair and just relationship between State and non-State actors engaged in the pursuit of common goals or in overcoming a common challenge, in full cognizance of the human rights of the peoples, individuals and groups concerned."

Indeed, in our globalised world, there is a strongly felt need of seeking the common good and making real the concept of the family of nations as well as finding innovative ways to implement responsibilities for respecting, protecting and fulfilling human rights worldwide.

On the international level, the principle of solidarity is quite explicitly present in the Charter of the United Nations, in the Universal Declaration of Human Rights (art.1, art.28, art. 29), in the 1966 Conventions on Civil and Political rights and on Social and Economic and Cultural rights, in the Vienna Declaration and Program of Action of 1993, in the rationale for the Millennium Development Goals and in all the instruments relating to humanitarian law and human rights law. This principle is seen as an indispensable requirement in the solution of inequalities and for good international relations.

Time has come to move from the principle of international solidarity towards the recognition of the right of individuals and peoples to international solidarity. This is for the very survival of all humanity and for facing the challenges posed by our globalised and interconnected world such as, inter alia, climate change, increased inequities between and within countries and the threat posed to the concept of sovereignty and political power of States by the supremacy of finance and economics.

We are convinced that international solidarity involves the idea of mainly States but also other stakeholders offering mutual assistance in order to improve their general situation and relations. The key word is "mutual."
While it is apparent that wealthier states will be in a better position to offer assistance to poorer states, this should not lead to the conclusion that poorer states have no corresponding obligations to the international community or to their own nationals. International solidarity means genuine cooperative effort on the part of all states. Differences in resources and capacities mean that there will be differences as to how states meet their obligations, but the fact remains that all states share these obligations. Solidarity, in short, goes beyond "levelling the playing field" and towards the solution "No one wins unless everyone wins."[1]

Interconnectedness and interdependence are increasing worldwide so that the "butterfly effect"[2] becomes more and more real. Such interconnectedness can become a source of confrontation and even conflict unless there is a conscious commitment to lead this process of globalization toward a win-win solution through the strategy of solidarity.

---

[1] R. St. J. MacDonald. Solidarity in the Practice and Discourse of Public International Law, Pace International Law Review, Volume 8, Issue 2, 1996

[2] Edward Lorenz: paper entitled *Predictability: Does the Flap of a Butterfly's Wings in Brazil set off a Tornado in Texas?*, to the American Association for the Advancement of Science in Washington, D.C., 1972

Solidarity is neither charity nor welfare; it is an understanding among formal equals that they will refrain from actions that would significantly interfere with the realization and maintenance of common goals or interests. Solidarity requires an understanding and acceptance by every member of the community that it consciously conceives of its own interests as being inextricable from the interests of the whole. No state may choose to exercise its power in a way that gravely threatens the integrity of the community. This principle would have an obvious impact on economic law; larger, more powerful capital-exporting states could not, by placing their own interests first, significantly interfere with the interests of smaller, weaker countries. Similarly, in the environmental domain, no state, whether developed or developing, could significantly interfere with the general interest of the community by asserting that its narrower national interests came first.

In this regard, we think that the proposed draft declaration on the right to international solidarity captures very well in the last article the negative obligations deriving from the respect of the right.

Pope John Paul II interpreted solidarity as the totality of economic, cultural, political and religious links binding human beings together and prompting them to help one another to achieve the common good of society. Solidarity is not a feeling of vague compassion. "On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all." [3] Pope John Paul saw the obligation to solidarity coming from an absolutely binding ethic; prophetically, he said that solidarity is not an option, but a duty.

In the Evangelii Gaudium, Pope Francis affirms: "perhaps the term "solidarity" in its often misused colloquial sense has been misunderstood. More than a mere expression of "random acts of kindness", solidarity "presupposes the creation of a new mind-set which thinks in terms of community and gives priority of the life of all over the appropriation of goods by a few."[4]

As such, solidarity leads beyond the radical individualism and materialism, found in so many cultural contexts, and toward the consideration of the plight of others, toward a change of worldview, in particular, with regard to the distribution of goods and resources which should not be at the service of a privileged few, but of all.

In its proper sense and implementation, solidarity is an obligation of all persons and of all nations to co-operate with one another in our globalized world and to work collectively towards "eliminating obstacles to development."[5]

Furthermore, APG23 supports the concept of "Preventive Solidarity that has been first introduced by Mr Rizki, the previous Independent Expert and echoed on several occasions by Ms Dandan. This notion has been adopted by resolution A/HRC/15/13 (OP7).

Preventive solidarity means that steps are taken by Member States, at national and international level, to address and remove the structural obstacles to the enjoyment of human rights and a fair distribution of benefits in our globalised world.

Many recent events in the world can be interpreted as the result of a lack of preventive solidarity. For example, if international cooperation applied without conditional ties and a sharing of health technology and research would have been implemented long time ago to strengthening weak health systems in developing countries, the Ebola' epidemic would not have been so spread and devastating. If solidarity cooperation would have been carried out towards the least developed countries and the international community would have prevented the origin of many conflicts, we would not be confronted with the phenomenon of forced migration in such a proportion.

[3] Sollicitudo rei socialis, 1987, n. 38
[4] Evangelii Gaudium, 188
[5] UN Declaration on the Right to Development, art. 3.3.

A positive example of preventive solidarity has been the Kyoto protocol and possibly the achievement of a legally binding and universal agreement on climate at the UN Climate Change Conference in Paris that will be held in November 2015.

Preventive solidarity implies, inter alia, that States respect fully the international obligations pledged at the United Nations, implement the ratified conventions and treaties, are committed to disarmament, clean energy policies, strengthening health systems and setting a post-2015 Sustainable Development agenda that builds up a global partnership based on solidarity.

Preventive solidarity is interlinked also with other important issues such as: total cancellation of the foreign debt of developing countries, the concept of reparation, global and national governance, world trade, reforming of the United Nations system and international financial institutions, civil society participation, intellectual property rights, agricultural policies, fiscal heavens, climate change, determinants of health, the implementation of the right to development, etc.

Finally, APG23 looks forward to the outcome of the regional consultations on the proposed draft declaration on the right of individuals and peoples to international solidarity, which the Independent Experts will carry on in the following months and to the final text of the declaration.

The huge challenge is mustering the political will to implement solidarity through binding obligations, transforming a recognized moral duty into international law and into just behaviour.